

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 166

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO THE PEACE OFFICER STANDARDS AND TRAINING COUNCIL;
AMENDING SECTION 19-5101, IDAHO CODE, TO FURTHER DEFINE A TERM;
AND AMENDING SECTION 19-5109, IDAHO CODE, TO PROVIDE THAT NO
PERSON DEPUTIZED BY A COUNTY SHERIFF OR A CITY CHIEF OF POLICE
SHALL HAVE PEACE OFFICER STATUS OUTSIDE THE COUNTY OR CITY IN
WHICH HE WAS DEPUTIZED AND TO PROVIDE AN EXCEPTION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 19-5101, Idaho Code, be, and the same is hereby amended to read as follows:

19-5101. DEFINITIONS. As used in this act:

(a) "Council" means the Idaho peace officer standards and training council.

(b) "County detention officer" means an employee in a county jail who is responsible for the safety, care, protection, and monitoring of county jail inmates.

(c) "Law enforcement" means any and all activities pertaining to crime prevention or reduction and law enforcement, including police, courts, prosecution, corrections, probation, rehabilitation, and juvenile delinquency.

(d) "Peace officer" means any employee of a police or law enforcement agency which is a part of or administered by the state or any political subdivision thereof and whose duties include and primarily consist of the prevention and detection of crime and the enforcement of penal, traffic or highway laws of this state or any political subdivision. "Peace officer" also means an employee of a police or law enforcement agency of a federally recognized Indian tribe who has satisfactorily completed the peace officer standards and training academy and has been deputized by a sheriff of a county or a chief of police of a city of the state of Idaho, but shall not have peace officer status outside the county or city in which he was deputized, except as provided in section 19-701A, Idaho Code.

(e) "Political subdivision" means any city or county.

SECTION 2. That Section 19-5109, Idaho Code, be, and the same is hereby amended to read as follows:

19-5109. POWERS OF THE COUNCIL – STANDARDS OF TRAINING, EDUCATION AND EMPLOYMENT OF PEACE OFFICERS – CERTIFICATION – PENALTIES. (1) It shall be the duty of and the council shall have the power:

(a) To establish the requirements of minimum basic training which peace officers shall complete in order to be eligible for permanent employment as peace officers, and the time within which such basic training must be completed. One (1) component of minimum basic training shall be a course in the investigation of and collection of evidence in cases involving an allegation of sexual assault or battery.

1 (b) To establish the requirements of minimum education and training standards for
2 employment as a peace officer in probationary, temporary, part-time, and/or emergency
3 positions.

4 (c) To establish the length of time a peace officer may serve in a probationary, temporary,
5 and/or emergency position.

6 (d) To approve, deny approval or revoke the approval of any institution or school
7 established by the state or any political subdivision or any other party for the training of
8 peace officers.

9 (e) To establish the minimum requirements of courses of study, attendance, equipment,
10 facilities of all approved schools, and the scholastic requirement, experience and training
11 of instructors at all approved schools.

12 (f) To establish such other requirements for employment, retention and promotion of
13 peace officers, including minimum age, physical and mental standards, citizenship, moral
14 character, experience and such other matters as relate to the competence and reliability of
15 peace officers.

16 (g) To certify peace officers as having completed all requirements established by the
17 council in order to be eligible for permanent employment as peace officers in this state.

18 (h) To receive and file for record copies of merit regulations or local ordinances passed
19 by any political subdivision.

20 (i) To maintain permanent files and transcripts for all peace officers certified by the
21 council to include any additional courses or advance courses of instruction successfully
22 completed by such peace officers while employed in this state.

23 (j) To allow a peace officer of a federally recognized Indian tribe within the boundaries
24 of this state to attend the peace officer standards and training academy if said peace
25 officer meets minimum physical and educational requirements of the academy. The
26 Indian tribal law enforcement agency shall reimburse the peace officer standards and
27 training academy for the officer's training. Upon satisfactory completion of the peace
28 officer standards and training academy, the tribal peace officer shall receive a certificate of
29 satisfactorily completing the academy.

30 (2) After January 1, 1974, any peace officer as defined in section 19-5101(d), Idaho
31 Code, employed after January 1, 1974, except any elected official or deputy serving civil
32 process, the deputy director of the Idaho state police, or any person serving under a temporary
33 commission with any law enforcement agency in times of natural or man-caused disaster
34 declared to be an emergency by the board of county commissioners or by the governor of the
35 state of Idaho, or those peace officers whose primary duties involve motor vehicle parking and
36 animal control pursuant to city or county ordinance, or any peace officer acting under a special
37 deputy commission from the Idaho state police, shall be certified by the council within one
38 (1) year of employment; provided, however, that the council may establish criteria different
39 than that required of other peace officers for certification of city police chiefs or administrators
40 within state agencies having law enforcement powers, who, because of the number of full-time
41 peace officers they supervise, have duties which are primarily administrative. Any such chief
42 of police or state agency administrator employed in such capacity prior to July 1, 1987, shall be
43 exempt from certification.

44 (3) No peace officer shall have or exercise any power granted by any statute of this state
45 to peace officers unless such person shall have been certified by the council within one (1)
46 year of the date upon which such person commenced employment as a peace officer, except in

1 cases where the council, for good cause and in writing, has granted additional time to complete
 2 such training. The council shall decertify any officer who is convicted of any felony or offense
 3 which would be a felony if committed in this state. The council may decertify any officer who:

4 (a) Is convicted of any misdemeanor;

5 (b) Willfully or otherwise falsifies or omits any information to obtain any certified status;
 6 or

7 (c) Violates any of the standards of conduct as established by the council's code of
 8 ethics, as adopted and amended by the council.

9 All proceedings taken by the council shall be conducted in accordance with chapter 52,
 10 title 67, Idaho Code. No person who has been deputized by a sheriff of a county or a chief of
 11 police of a city of the state of Idaho shall have peace officer status outside the county or city in
 12 which he was deputized, except as provided in section 19-701A, Idaho Code.

13 (4) Any law enforcement agency as defined in section 19-5101(c), Idaho Code, in which
 14 any peace officer shall resign as a result of any disciplinary action or in which a peace officer's
 15 employment is terminated as a result of any disciplinary action, shall, within fifteen (15) days
 16 of such action, make a report to the council.

17 (5) The council shall, pursuant to the requirements of this section, establish minimum
 18 basic training and certification standards for county detention officers that can be completed
 19 within one (1) year of employment as a county detention officer.

20 (6) The council may, upon recommendation of the juvenile training council and pursuant
 21 to the requirements of this section, implement minimum basic training and certification
 22 standards for juvenile detention officers, juvenile probation officers, and employees of the Idaho
 23 department of juvenile corrections who are engaged in the direct care and management of
 24 juveniles.

25 (7) The council may, upon recommendation of the correction standards and training
 26 council, and pursuant to the requirements of this section, establish minimum basic training and
 27 certification standards for state correction officers and for adult probation and parole officers.

28 (8) The council may, upon recommendation of a probation training advisory committee
 29 and pursuant to the requirements of this section, establish minimum basic training and
 30 certification standards for misdemeanor probation officers.

31 (9) The council may reject any applicant for certification who has been convicted of a
 32 misdemeanor, and the council shall reject an applicant for certification who has been convicted
 33 of a felony, the punishment for which could have been imprisonment in a federal or state penal
 34 institution.

35 (10) As used in this section, "convicted" means a plea or finding of guilt, notwithstanding
 36 the form of judgment or withheld judgment, regardless of whether the sentence is imposed,
 37 suspended, deferred or withheld, and regardless of whether the plea or conviction is set aside or
 38 withdrawn or the case is dismissed or reduced under section 19-2604, Idaho Code, or any other
 39 comparable statute or procedure where the setting aside of the plea or conviction, or dismissal
 40 or reduction of the case or charge, is based upon lenity or the furtherance of rehabilitation
 41 rather than upon any defect in the legality or factual basis of the plea, finding of guilt or
 42 conviction.